



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/801,849      | 03/17/2004  | Koichi Doi           | 1081.1193           | 3100             |

21171 7590 07/06/2007  
STAAS & HALSEY LLP  
SUITE 700  
1201 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20005

|          |
|----------|
| EXAMINER |
|----------|

PRAKASAM, RAMYA G

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3651

|           |               |
|-----------|---------------|
| MAIL DATE | DELIVERY MODE |
|-----------|---------------|

07/06/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/801,849

Applicant(s)

DOI ET AL.

Examiner

Ramya G. Prakasam

Art Unit

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 3/17/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application.
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Lantry (U.S.

Patent No. 7,010,387)

Lantry discloses a data transfer method effected in a library apparatus having a logically plurally divided housing unit (See Figure 1), a turnout housing unit (20) for housing temporarily a storage medium (data storage element), and a robot (Column 7, lines 46-48) for conveying the storage medium from the housing unit to the turnout housing unit or from the turnout housing

Art Unit: 3651

unit to the housing unit, with a plurality of host computers being connected to the library apparatus, the plurality of host computers each making access to the logically plurally divided housing unit, the data transfer method enabling the storage medium housed in a first housing portion of the logically plurally divided housing unit to be used by the host computer making access to a second housing portion different from the first housing portion, the method comprising the steps of:

- Controlling the robot to convey the storage medium from the first housing portion to the turnout housing unit based on a medium conveyance instruction from a first host computer making access to the first housing portion (66 and 68 – See Figure 2);
- After completion of the conveyance to the turnout housing unit, notifying a second host computer making access to the second housing portion different from the first housing portion that the storage medium has been conveyed to the turnout housing unit (70 – See Figure 2); and
- Controlling the robot to convey the storage medium that has been conveyed to the turnout housing unit, to the second housing portion based on a medium conveyance instruction from the second host computer (72 – See Figure 2).
- Wherein the turnout housing unit is a volume access station acting as an inlet for the storage medium inserted into the housing unit and acting as an outlet for the storage medium ejected from the housing unit (See Figures 1 and 2).
- Wherein the turnout housing unit is a common housing portion included in common in the first housing portion and the second housing portion (See Figure 1).

Art Unit: 3651

- Wherein the housing unit is physically divided so as to correspond to the logical dividing (See Figure 1), and
- Wherein the turnout housing unit is a medium delivering mechanism for mediating the delivering of the storage medium between the first housing portion and the second housing portion which are divided physically (See Figures 1-4B).

Lantry further discloses a library apparatus comprising:

- A logically plurally divided housing unit (See Figure 1);
- A turnout housing unit (20);
- A robot (See Column 7, lines 46-48);
- A robot controlling unit (See Column 7, lines 46-48);
- A completion notifying unit (See 70 – Figure 2).
- Wherein the robot controlling unit and the completion notifying unit are included in a controlling unit (20);
- Wherein the turnout housing unit is a volume access station acting as an inlet for the storage medium inserted into the housing unit and acting as an outlet for the storage medium ejected from the housing unit (See Figures 1 and 2).
- Wherein the turnout housing unit is a common housing unit included in common in the first housing portion and the second housing portion (See Figure 1);
- Wherein the housing unit is physically divided so as to correspond to the logical dividing (See Figure 1), and
- Wherein the turnout housing unit is a medium delivering mechanism (See Figures 1-4B).

***Conclusion***

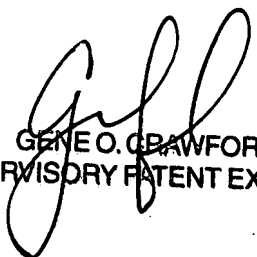
3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramya G. Prakasam whose telephone number is (571) 272-6011. The examiner can normally be reached on Monday - Thursday, 8:30am-7pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

6/25/2007  
RGP

  
GENE O. CRAWFORD  
SUPERVISORY PATENT EXAMINER